

**Re: Talking Points for ARSG Meeting**

**Steve Wharton** to: Greg Etter

08/23/2012 12:19 PM

From: Steve Wharton/R8/USEPA/US  
To:  
Cc: "Larry Perino" <Larry.Perino@kinross.com>  
Bcc: Richard Sisk/R8/USEPA/US

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Greg, I agree. I will use the phrase "information request," but will clarify the underlying authority, if asked, and will mention Sunnyside and associated/affiliated companies.

Thanks,  
Steve

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Steve Wharton, Unit Chief  
Superfund Remedial Program  
EPA Region 8 (8EPR-SR)  
1595 Wynkoop Street  
Denver, CO 80202  
Sent by EPA wireless services.

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**From:** Greg Etter [Greg.Etter@Kinross.com]  
**Sent:** 08/23/2012 06:01 PM GMT  
**To:** Steve Wharton  
**Cc:** Larry Perino <Larry.Perino@kinross.com>  
**Subject:** RE: Talking Points for ARSG Meeting

Steve:

OK, except I believe that it is important in the interest of being transparent and proactive to very briefly touch upon the subpoint set forth below in red. I believe it is important to be honest that there will be a 104(e) letter. The community will learn of it. They should learn about it from us. I believe Mueller Industries had a past relationship with Sunnyside such that it can be viewed as being an "associate". The community will learn in time that Mueller has received a 104(e) letter. They should learn it from us, although we don't need to name names now. The community needs to be assured that the universe of 104(e) letters is limited to "Sunnyside and companies affiliated or associated with Sunnyside".

Let me know if you disagree or we need to talk.

Hope the meeting goes well.

Thank you.

Greg

**From:** Steve Wharton [mailto:Wharton.Steve@epamail.epa.gov]

**Sent:** Thursday, August 23, 2012 12:13 PM

**To:** Greg Etter

**Subject:** Re: Talking Points for ARSG Meeting

Greg,

Based on our conversation, please see the revised messages below. If these seem workable, in conjunction with the finer points we discussed, please forward on to Larry Perino. I have briefed and updated the people with me and in my office.

Thanks,

Steve

Joint Messages:

- Sunnyside Gold Corporation (Sunnyside) initiated an August 1, 2012 meeting with representatives of EPA, BLM and CDPHE to begin discussions on a legal framework to work toward addressing water quality issues in the Animas River.
- EPA, BLM, CDPHE and Sunnyside are now working to further develop that legal framework, and as part of that process, EPA and Sunnyside will be making information requests of each other. These requests are part of the collaborative process and are not a precursor to a Superfund Listing on the National Priorities List.
- EPA will not be making information requests other than to Sunnyside and companies affiliated or associated with Sunnyside and, while the information request to Sunnyside will take the form of a 104(e) letter, it will not include any Notice or Demand.
- EPA, BLM, CDPHE and Sunnyside also agreed that these new discussions do not change each party's commitment to continue working collaboratively with all the stakeholders including ARSG to address the water quality issues in the Animas River.
- Since April, data has been shared, Sunnyside has completed an analysis of metals loading for a portion of the watershed, and more data is expected in October regarding zinc loads.
- We expect to have more details in the near future, and we will keep you informed as we know more.

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**From:** Greg Etter [Greg.Etter@Kinross.com]

**Sent:** 08/22/2012 08:51 PM GMT

**To:** Steve Wharton

**Subject:** RE: Talking Points for ARSG Meeting